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**R E M A R K S**

Reconsideration of this application is requested.

Marked-up pages showing changes to the specification and claims identified above are attached hereto.

***Claim Rejections – 35 USC § 103***

The Office Action rejected claims 22-40 under 35 U.S.C. 103(a) as being unpatentable over Aras et al. and Slezak.

Aras et al. teach a method and apparatus for content coding of audio-visual materials that can be decoded by a home station , where the content coding is collected and processed. The content codes are utilized by the subscriber's home station to collect information on the subscriber's selection of Audio-Visual Material (AVM) streams and record information on which AVMs have been presented to the subscriber. An audio-video material distribution system supplies AVM streams to the home station via a local distribution network. The home stations decode the content coding from the AVM streams and collect the encoded content codes. The collected content codes are then sent to collection centers for processing. Encoded information may also be utilized to provide management of an upstream channel between the home stations and the video distribution node. In order to identify the content of the audio-visual material, all audio-visual material is encoded with a unique Audio-Visual Identifier (AVI). The AVI is provided at intervals in the audio-visual material. The AVIs are periodically embedded in the AVM, preferably in the Video Blanking Interval (VBI) of the television signal.

Consequently, the subscriber station in accordance with Aras et al. collects AVI information to provide a video distribution node with the data related to subscriber viewing habits. As is well understood by those skilled in the art, a significant investment is required to provide personnel and equipment for

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associating AVIs with AVMs; embedding the AVIs in the AVMs; and, extracting the AVIs from the AVMs.

Slezak teaches a multimedia architecture for interactive advertising in which secondary programming is varied based upon viewer demographics and content of primary programming. Slezak was filed on September 27, 1996. The instant application is a divisional of United States patent application No. 08/668,816 filed June 24<sup>th</sup>, 1996. Slezak bears a filing date that post-dates the priority date of the instant application by three months and three days. Slezak is therefore uncitable and withdrawal of the reference is respectfully requested.

The instant application is amended to illustrate the database referred to on page 22, line 3 of the application as originally filed in FIG. 3 of the drawings, now referenced as database 38. Page 22, line 3 of the application has been amended to insert --38 (FIG. 3)-- after "database". An amended copy of FIG. 3 showing proposed changes in red ink is attached hereto. A letter under separate cover to the official draftsperson includes a new formal drawing of FIG. 3 as well as drawings of the remaining figures to overcome defects cited in the Notice of Draftpersons Patent Drawing Review attached to the instant Office Action.

With respect to claims 22, 25, 33, 37 and 38-39, claim 22, claim 22 is amended to recite added steps of providing a database of program schedule information; and, coordinating the subscriber activities with the schedule information to provide statistics of practical value to content providers. Claim 22 therefore clearly distinguishes over Aras et al. because Aras et al. teach that AVIs must be encoded in the audio-video materials to permit DBS subscriber viewing habits to be determined. In contrast, amended claim 22 claims that the service subscriber station responds to query messages sent from a DBS server by sending back subscriber activities accumulated by the subscriber station. The subscriber

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activities are then coordinated with the database of schedule information to provide statistics of practical value to content providers. This represents a significant advance in the art since it eliminates the requirement for encoding and decoding equipment and significantly simplifies the subscriber monitoring process. The rejection of claim 22 is thereby traversed.

Regarding claim 25, the claim is amended to recite a method comprising the steps of collecting information respecting the DBS subscriber's activities at a subscriber station; transferring the information to a DBS collection point; and, coordinating the subscriber activities with a database of schedule information to obtain statistics related to the subscriber's viewing habits. For reasons set forth above with respect to claim 22, claim 25 is neither taught nor suggested by Aras et al. The rejection of claim 25 is thereby traversed.

With respect to claim 33, the claim is amended to recite a DBS subscriber station that collects information related to activities of the DBS subscriber; a DBS provider data collection point adapted to receive and store the information related to the activities of the DBS subscriber; and, a database of schedule information to permit the activities of the DBS subscriber to be coordinated with the schedule information to obtain statistics that are of practical value to content providers. For reasons set forth above with respect to claim 22, such a system is neither taught nor suggested by Aras et al. and the rejection of claim 33 is traversed.

With respect to claim 37, claim 37 is cancelled and the rejection is traversed.

With respect to claim 38, the claim is amended to claim a direct broadcast satellite provider system that comprises a data collection point for collecting and storing information related to activities of subscribers; and, a

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database of scheduling information to permit the activities of the subscribers to be coordinated with the scheduling information to provide statistics related to the viewing habits of the DBS subscribers. Aras et al. fail to teach or suggest a DBS provider system as claimed in amended claim 38. For reasons set forth above with respect to claim 22, the rejection of claim 38 is traversed.

With respect to claim 39, which depends from claim 38, Aras et al. teach that the subscriber station collects AVI information and sends the collected information in response to a local trigger, such as table full or time expired. The video distribution node taught by Aras et al. does not query the home station and is not enabled to do so. Consequently, Aras et al. teach directly away from the invention claimed in claim 39 and the rejection is traversed.

The Office Action rejected claims 23, 24, 34 and 36 as being met by the combined systems of Aras et al. and Slezak.

Regarding claim 23, for reasons noted above with respect to claim 39, Aras et al. neither teach nor suggest that a query message is sent from the DBS server to the DBS subscriber station. The rejection of claim 23 is thereby traversed.

Regarding claim 24, the same argument applies and the rejection of claim 24 is traversed.

With respect to claim 34, which depends from claim 33, Aras et al. fail to teach a full-time connection to the Internet as acknowledged in the Office Action and the rejection is traversed.

Regarding claim 36, which depends from claims 35 and 34, the arguments applied to claim 34 apply and the rejection is traversed.

The Office Action rejected claim 26 on the basis of the combined systems of Aras et al. and Slezak.

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With respect to claim 26, which depends from amended claim 25, the combination of claims 26 and 25 is neither taught nor suggested by Aras et al. For reasons set forth above with respect to claim 25, the rejection is traversed.

The Office Action asserts that claim 27 is met by the combined systems of Aras et al. and Slezak.

Regarding claim 27, which depends from claim 26 and claims that the information is reported to the DBS data collection point by the subscriber station in real-time, for reasons noted above, Aras et al. neither teach nor suggest real-time communication of the activities of the subscriber. The rejection of claim 27 is thereby traversed.

The Office Action asserts that claims 28-30 are met by the combined systems of Aras et al. and Slezak.

With respect to claims 28, 29 and 30, which respectively depend from claims 25 and 26, Aras et al. fail to teach or suggest the combination of elements in the claimed system and the rejection is traversed for reasons set forth above with respect to claim 25.

The Office Action rejected claim 31 in view of the combined systems of Aras et al. and Slezak.

As to claim 31, which likewise depends from claim 26, Aras et al. neither teach nor suggest that information could be posted to a World Wide Web page or that the data could be collected from the World Wide Web page by the data collection point. The Examiner takes the position that it is notoriously well known in the art for a first computing station to post information to a World Wide Web page and a second computing station to retrieve the information. However, the Examiner takes no official notice as to when that became notoriously well known. It is respectfully submitted by Applicant that in June of 1996 it was not notoriously

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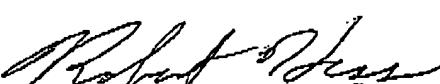
well known to do so and was an inventive solution to an unsolved problem. Consequently, the rejection of claim 31 is traversed.

The Office Action rejected claim 32 in view of the combined systems of Aras et al. and Slezak.

Regarding claim 32, which likewise depends from claim 26 and claims that the subscriber station transfers the information to the data collection point in response to a query message received from the data collection point via the Internet, as noted above, Aras et al. neither teach nor suggest that the video distribution node is adapted to query the home station. The rejection of claim 32 is thereby traversed.

In view of the amendments made to FIG. 3 of the drawings, page 22 of the disclosure and the above-noted claims, this application is now considered to be in a condition for immediate allowance. Favourable reconsideration and issuance of a Notice of Allowance are requested.

Respectfully submitted,  
FRANK B. NORMAN

By 

Robert J. Hess  
Registration No. 32,139  
Attorney for Applicant

Address:

GIBBONS, DEL DEO, DOLAN,  
GRIFFINGER & VECCHIONE  
One Pennsylvania Plaza, 37<sup>th</sup> Floor  
New York, N.Y. 10119-3701  
U.S.A.  
Tel.: 212-649-4700